

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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In re :
 : Chapter 13
 ROBERT MCKELVY :
 : Case No. 24-12343(PMM)
 Debtor. :
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**THE CITY OF PHILADELPHIA'S
OBJECTION TO THE PROPOSED CHAPTER 13 PLAN**

TO THE HONORABLE PATRICIA M. MAYER:

AND NOW, comes the City of Philadelphia, (the "City"), a secured creditor in the above-captioned case, by and through its Counsel, Pamela Elchert Thurmond, Senior Attorney, pursuant to Bankruptcy Code §§ 506(b), 1325(a)(5), and L.B.R. 3015-4, to object to the proposed Chapter 13 plan (the "Plan"), of the above-captioned debtor, (the "Debtor"). The City avers the following in support thereof:

1. On July 8, 2024, the Debtor filed a voluntary petition for Chapter 13 bankruptcy with this Court.
2. On July 8, 2024, the Debtor filed a list of all real property owned by the Debtor, which included the property located at 1411 E Cardeza Street, Philadelphia, Pennsylvania (the "Subject Property"). A copy of the Debtor's Schedule A/B is attached hereto as Exhibit A.
3. The Debtor values the Subject Property at Two Hundred and Forty-Four Thousand Eight Hundred Dollars (\$244,800). See Exhibit A.
4. On October 29, 2024, the City filed a secured claim in the amount of Twenty-Four Thousand Nine Hundred Fifty-Seven Dollars and Thirty-Four Cents

(\$24,957.34) for unpaid water debt in connection with the Subject Property (the “Water Claim”). A copy of the proof of claim filed by the City is attached hereto as Exhibit B.

5. As neither the Debtor nor another party in interest has objected to the Water Claim, it is deemed allowed. See 11 U.S.C. § 502(a).

6. On July 8, 2024, the Debtor filed the Plan, which provides for a total payment in the amount of Twenty-Three Thousand Four Hundred Eighty-Nine Dollars and Three Cents (\$23,489.03). A copy of the Plan is attached hereto as Exhibit C.

7. The Plan should not be confirmed as the City, a secured creditor, has not accepted the plan. See 11 U.S.C. 1325(a)(5)(A).

8. The Plan should not be confirmed as it fails to specify correct payment, and thus does not ensure that distributions under the plan are not less than the allowed amount of the Water Claim. See 11 U.S.C. §§ 506(b), 1325(a)(5)(B)(ii).

WHEREFORE, the City respectfully requests that this Court DENY confirmation of the Plan.

Respectfully submitted,

THE CITY OF PHILADELPHIA

Dated: November 13, 2024

By: /s/ Pamela Elchert Thurmond
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